

### REMARKS

Claims 1-20 are pending in this application. Claims 1, 3-6, 8, 11 and 13-20 have been amended. Applicant reserves the right to pursue the original claims and other claims in this and other applications. In view of the amendments to the claims and the remarks below, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

Claims 1-20 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Reconsideration is respectfully requested.

Claims 1-20 have been amended to clarify aspects of the invention. Claim 1, as amended, recites that a data extraction part is configured to “extract data from video data recorded in a user data area” and to store that extracted data. A data creation part creates “data accompanying the video data” (which may be index information, for example)<sup>1</sup> from that extracted data, and the “data accompanying the video data” includes “a copy of at least a portion of the video data.” Finally, a recording part records the created accompanying data in a Lead-Out area of the disk.

The amendments to claim 1 clarify that the “data accompanying the video data” created from the extracted data includes “a copy of at least a portion of the video data.” In other words, a portion of the video data is used in the Lead-Out area, for example, in index information. As an example, the extracted data may include frames of video from the video data and associated times for the video data, and at least one of the frames of video may be then used in index data that is recorded in the Lead-Out area (along with other reference information such as time stamps, for example). See Specification at 30, line 22 to page 31, line 2.

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<sup>1</sup> The phrase “data accompanying the user data” is used in the specification to refer to various reference information that may be recorded in the Lead-Out area. See, for example, page 23, line 22 to page 24, line 5 (describing a controller that “creates data accompanying the user data, such as the index information of each frame or each time of recording (for example, each time generated based on Greenwich Mean Time and the elapsed time from the start of recording) of the image data”). In independent claims 3, 8 and 13, the term “index information” is used.

The amendments to claim 1 clarify aspects of the “video data,” the “extracted data” and the “data accompanying the video data,” obviating the rejection. Claims 2-20 depend from claim 1 or have been similarly amended and are not indefinite for at least the same reasons that claim 1 is not indefinite.

Claims 1, 3-6, 8-11 and 13-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No 5,341,356 to Dieleman et al. (“Dieleman”) in view of U.S. Patent No. 6,388,766 to Inoue et al. (“Inoue”). The rejection is respectfully traversed.

Claim 1, as amended, describes an information recorder that is configured to extract data from “video data recorded in a user data area” and to create and record “data accompanying the video data” in a Lead-Out area, the “data accompanying the video data” including “a copy of at least a portion of the video data.” Importantly, the data in the user data area is “video data” and a portion of this video data is used in the data accompanying the video data that is recorded in the Lead-Out area. By including a copy of a portion of the video data in the data accompanying the video data (such as index information), the information can easily be associated with the referenced video data. As an example, a frame of video may be used by index information to provide a visual reference for a certain time period in a video. See Specification at page 30, line 22 to page 31, line 2 (describing that index information items can include: (a) information for identifying the portion of video content data to which it corresponds; and (b) the image data of at least one frame included in the corresponding portion of video content data).

The cited references do not teach or suggest extracting “data from video data recorded in a user data area” and creating, from that extracted data, “data accompanying the video data including a copy of at least a portion of the video data” that is recorded in a Lead-Out area of a disc.

The Office Action (at 4) cites to files recorded in the program area of Dieleman as disclosing the “user data” of former claim 1. Dieleman contains general references to files recorded in a program area, and more specific reference to photo files, but Dieleman contains no disclosure of “video data” (as required by amended claim 1) at all. Accordingly, Dieleman does not teach or

suggest “video data recorded in a user data area,” and certainly does not teach or suggest “video data” that is extracted and stored for use in the data accompanying the video data recorded in a Lead-Out area.

Inoue does not cure the deficiencies of Dieleman with respect to the recited “video data” of claim 1. The Office Action (at 5) asserts that Inoue discloses, “the data accompanying the user data including at least a portion of contents of the user data.” Inoue, however, does not disclose extracting “video data” as required by the amended claim. Inoue states, at column 5, lines 1-3: “The recording module 20 records audio data onto a disc D, which is a portable recording medium.” Thus, Inoue discloses recording audio data (not “video data” as required by claim 1) onto a portable recording medium, which is Mini Disc. Nothing in Inoue teaches or suggests recording “video data” onto the Mini Disc, much less extracting “video data” in a user area.

Accordingly, Dieleman and Inoue, taken alone or in combination, fail to teach or suggest, for example, “video data recorded in a user data area of a recording area of an information recording medium” or an apparatus configured to “extract data” from the video data.

Moreover, even if the cited references did disclose “video data recorded in a user data area of a recording area of an information recording medium,” the references still fail to teach or suggest generating “data accompanying the video data including at least a portion of contents of the video data.” Inoue, which discloses a Mini Disc-related technique directed to “a dubbing apparatus having a printing module for printing information associated with audio data to be dubbed on a recording medium” (column 1, lines 10-12, emphasis added), can not teach or suggest “the data accompanying the video data including at least a portion of contents of the video data.” There is nothing in Inoue that teaches or even suggests that portions of video data could be used in index information. Dieleman does not teach or suggest using any type of data from a user data area in index information, and the Office Action does not contend otherwise. Accordingly, claim 1 is allowable for this additional reason, as well.

For at least these reasons, claim 1 is allowable. Claims 3, 6, 8, 11 and 13 depend from claim 1 or include similar limitations and are allowable for at least the same reasons.

Claims 2, 7 and 12 stand rejected under 35U.S.C. § 103(a) as being unpatentable over Dieleman in view of Inoue and further in view of U.S. Patent No. 6,765,853 to Ko et al. ("Ko"). The rejection is respectfully traversed.

Claims 2, 7 and 12 depend from claims 1, 6 and 11, respectively, and include all limitations of their respective base claims. Claims 1, 6 and 11 are allowable over Dieleman for the reasons described above, and Ko does not cure the deficiencies of Dieleman with respect to these claims. Among other things, Ko does not teach or suggest creating extracting "data from video data recorded in a user data area" or creating "data accompanying the video data" that includes "at least a portion of contents of the video data." Ko describes defect management areas DMA 1 to DMA 4 that each include "information relating to disc defects and initialization of the disc." Ko at column 5, lines 35-45. The creation of these areas, however, does not involve extracting data from "video data," and the defect management areas do not include "at least a portion of contents of the video data." Accordingly, claims 2, 7 and 12 are allowable for at least the same reasons that claims 1, 6 and 11 are allowable.

In view of the above, Applicant believes the pending application is in condition for allowance.

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